

09/991,001

Attorney Docket No. 14025  
1840-045**REMARKS**

Entry of the amendments is respectfully requested. The sole purpose of the amendment is to delete the word "analyte" because in claim 22 as amended, there is no antecedent basis for "analyte sensor particle."

A supplemental response to the restriction requirement is being submitted pursuant to a telephone interview between the undersigned and Examiner Shafiqul Haq on April 19, 2005. During that interview, the Examiner said there was a misunderstanding on the part of Applicant with regard to the restriction requirement. The Applicant appreciates the Examiner clarifying the restriction requirement. The Examiner also agreed that the requirement to elect between species A or B at page 6 of the Office Action was inappropriate in view of the fact that independent claim 1 (and likewise independent claim 22) requires the presence of both A and B.

In response to the restriction election requirement of species to choose either C, D or E, Applicant elects, with traverse, antigen- or anti-body sensors.

With regard to the requirement to elect between analytes 1-7, Applicant elects alkali metal ions (number 1), with traverse.

With regard to the requirement to elect between analytes 8-23, Applicant elects number 8, namely saccharides, with traverse.

With regard to the election requirement to select one alkali metal ion from Group a-c, Applicant elects a, namely sodium, potassium, with traverse.

With regard to the requirement to elect a particular saccharide from species (1) - (4), Applicant elects species (1), namely glucose, with traverse.

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It is respectfully submitted that by this Supplemental Response, Applicant has complied with the requirements in the Office Action of January 18, 2005. If the Examiner believes otherwise, it is respectfully requested that a telephone call be placed to the undersigned.


This restriction/election requirement is respectfully traversed for the reasons presented in the prior response. Moreover, per the Office Action, it must be the Examiner's contention that all the species are "patentably distinct." Is it the Examiner's position that alkali metal ions are patentably distinct from alkaline earth metal ions? Is it the Examiner's position that the species "urea" is patentably distinct from the species uric acid? Similarly, is it the Examiner's position that the species sodium/potassium is patentably distinct from the species calcium/magnesium, and that the species glucose is patentably distinct from the species fructose? Only if the Examiner can answer yes to all these questions is the species requirement correct. Stated another way, is it the Examiner's position, for example, that if the prior art teaches the exact same reagent claimed except as directed to the species fructose, is patentable over the prior art to have the reagent directed to the species glucose?

It is believed that the claims directed to the elected species are claims 2, 3, 5, 6, 9, 10, 12, 22, and 23.

Respectfully Submitted,  
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